

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: David D. Douglas Autumn N. Douglas  Debtor(s)	BK. NO. 20-70304 JAD
JP MORGAN CHASE BANK, NATIONAL ASSOCIATION  Movant	
v.	CHAPTER 13
David D. Douglas Autumn N. Douglas  Respondents	
and	
Ronda J. Winnecour, Trustee  Additional Respondents	

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

**/s/ Brian C. Nicholas, Esquire**

Brian C. Nicholas, Esquire

[bnicholas@kmlawgroup.com](mailto:bnicholas@kmlawgroup.com)

Attorney I.D. No. 317240

KML Law Group, P.C.

701 Market Street, Suite 5000

Philadelphia, PA 19106

Phone: 201-549-5366

Attorney for Movant/Applicant

Date: October 20, 2020

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: David D. Douglas  
Autumn N. Douglas

Debtor(s)

BK. NO. 20-70304 JAD

JP MORGAN CHASE BANK, NATIONAL  
ASSOCIATION

Movant

CHAPTER 13

v.

David D. Douglas  
Autumn N. Douglas

Respondents

and

Ronda J. Winnecour, Trustee

Additional Respondents

**MOTION OF JP MORGAN CHASE BANK, NATIONAL ASSOCIATION  
FOR RELIEF FROM THE AUTOMATIC STAY**

Movant, by its Attorney, KML Law Group, P.C., hereby requests a termination of the Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor(s).

1. Movant is JP MORGAN CHASE BANK, NATIONAL ASSOCIATION.
2. Debtor(s), David D. Douglas and Autumn N. Douglas, are the owner(s) of the premises located at 266 France Street, Sproul, PA 16682, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$63,240.00 on the mortgaged premises that was executed on March 12, 2010. Said mortgage was recorded on March 16, 2010 in Instrument Number 201003671 in Blair County. Documentation attached hereto as Exhibit A is provided in support of right to seek a lift of stay and foreclose if necessary.
4. Carrington Mortgage Services, LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant. Movant, directly or through an agent, has possession of the promissory note. Movant will enforce the promissory note as transferee in possession. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage.
5. Movant has instituted or wishes to institute foreclosure proceedings on the mortgage because of Debtors' failure to make the monthly payment required thereunder.

6. As of October 12, 2020, the payoff amount due on the mortgage is \$59,416.75.
7. Debtor(s) are currently delinquent in payments to the Chapter 13 Trustee in the amount of \$1,968.00.
8. Debtors have failed to make monthly mortgage payments of \$465.64 for the months of July 2020 through October 2020.
9. The amount necessary to cure the post-petition delinquency is \$1,862.56.
10. The fair market value of the premises is \$65,000.00, per the Debtors' Schedules.
11. The Senior Lien Holders on the premises are none.
12. The Junior Lien Holders on the premises are none.
13. The foreclosure proceeding filed or to be instituted were stayed by the filing of the instant Chapter 13 Petition.
14. Debtor(s) have claimed as exempt the equity in the property.
15. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.
16. Movant has cause to have the Automatic Stay terminated pursuant to 11 U.S.C. §362 (d).
17. This motion and the averments contained therein do not constitute a waiver by the Moving Party of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant respectfully requests that this Court enter an Order modifying the Automatic Stay under Section 362 with respect to the mortgaged premises as to permit Petitioner to foreclose on its mortgage and allow Movant or any other purchaser at Sheriff's Sale to take legal action for enforcement of its right to possession of said premises.

Date: October 20, 2020

**/s/ Brian C. Nicholas, Esquire**

Brian C. Nicholas, Esquire

[bnicholas@kmlawgroup.com](mailto:bnicholas@kmlawgroup.com)

Attorney I.D. No. 317240

KML Law Group, P.C.

701 Market Street, Suite 5000

Philadelphia, PA 19106

Phone: 201-549-5366

Attorney for Movant/Applicant